

**OFFICE OF THE HEARING EXAMINER
CITY OF RENTON**

REPORT AND RECOMMENDATION

APPLICANT/OWNER: Cecil Y. & Sue J. Chen
1042 Lynnwood Ave. NE
Renton, WA 98056

Evangelical Chinese Church Conditional Use Permit
LUA-009-143, CU-H

LOCATION: 1042 Lynnwood Ave. NE, Renton, WA 98056

SUMMARY OF REQUEST: Conditional Use Permit for the conversion of a 1,480 square foot single family residence into a church office; the church facility is located on an abutting parcel to the south.

SUMMARY OF ACTION: Development Services Recommendation: Approve.

DEVELOPMENT SERVICES REPORT: The Development Services Report was received by the Examiner on December 15, 2009.

PUBLIC HEARING: After reviewing the Development Services Report, examining available information on file with the application, field checking the property and surrounding area; the Examiner conducted a public hearing on the subject as follows:

MINUTES

*The following minutes are a summary of the December 22, 2009 hearing.
The legal record is recorded on CD.*

The hearing opened on Tuesday, December 22, 2009, at 8:59 a.m. in the Council Chambers on the seventh floor of the Renton City Hall. Parties wishing to testify were affirmed by the Examiner.

The following exhibits were entered into the record:

<u>Exhibit No. 1:</u> Yellow Project File containing the application, reports, staff comments, and other material pertinent to the review of the project.	<u>Exhibit No. 2:</u> Neighborhood Detail Map
<u>Exhibit No. 3:</u> Site Plan	<u>Exhibit No. 4:</u> Floor Plan
<u>Exhibit No. 5:</u> Zoning Map	

The hearing opened with a presentation of the staff report by Gerald Wasser, Associate Planner, Community and Economic Development Services, City of Renton, 1055 S Grady Way, Renton, Washington 98057. This is a Conditional Use request for a church office. The Evangelical Chinese Church has been leasing the Seventh Day Adventist church, just south of the subject property for approximately 15 years and they have been leasing the

subject property for approximately five years. The property is located in the Highlands area. The site plan shows the existing structure with an existing carport to the south of the structure. There is a lawn in front with a parking area. The existing church is to the south. The church has a parking lot to the east of the property and the remaining area is surrounded by single family residential structures in the R-8 zone.

The house was originally a three-bedroom, two bath house with a living/dining room area and a recreation area. The living/dining room and recreation areas are currently being used as conference rooms. The bedrooms are an office, library and a financial office.

The property is situated on Lynnwood Avenue NE, Monroe Avenue NE is to the east, the church parking lot takes its access from Monroe Avenue NE. South of the subject property is NE 10th Street, it is a collector street.

This project is consistent with the Comprehensive Plan and Zoning Code and meets all the R-8 Development Standards with the exception of the side yard on the south side of the property, which is 3-feet 7-inches instead of the required five feet. The property has been used as an office for the last five years and there have been no complaints from the surrounding properties. No additional landscaping would be required since the existing plantings are in keeping with the residential nature of the property. The use is currently adequately served by City water, sewer and stormwater facilities.

Staff does recommend that the parking lot be striped.

Cecil Chen, 13417 SE 330th Place, Auburn 98092 stated that they did not realize that a Conditional Use Permit was required. As soon as they found out it was required, they came in to apply for one.

The south side of the backyard has a walkway to the back where there is a gate that goes to the parking and the side door of the church. Most people who come to the church park in the church parking lot. The pastors and volunteers park in the front of the house.

When they purchased the property, they remodeled the inside and outside to update the structure. They have a commercial crew that takes care of the yard work. It is one of the best looking yards on the street. The neighbors have never complained.

Kayren Kittrick, CED stated that Monroe is a Collector Distributor as opposed to Lynnwood Avenue. Building Code as to Residential Code, Fire is content with this site and its use. If there should be a remodel in the future, they might be required to install additional bathrooms or space, there are limitations on how many people this space can accommodate.

The **Examiner** called for further testimony regarding this project. There was no one else wishing to speak, and no further comments from staff. The hearing closed at 9:20 a.m.

FINDINGS, CONCLUSIONS & RECOMMENDATION

Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. The applicants, Cecil Y. and Sue J. Chen for Evangelical Chinese Church, filed a request for a Conditional Use Permit to establish an office in an existing single family home.
2. The yellow file containing the staff report, the State Environmental Policy Act (SEPA) documentation

and other pertinent materials was entered into the record as Exhibit #1.

3. The Environmental Review Committee (ERC), the City's responsible official determined that the proposal is exempt from environmental review.
4. The subject proposal was reviewed by all departments with an interest in the matter.
5. There was no opposition from the public regarding the subject proposal.
6. The map element of the Comprehensive Plan designates the area in which the subject site is located as suitable for the development of detached single family residential uses, but does not mandate such development without consideration of other policies of the Plan.
7. The subject site is currently zoned R-8 (Single Family - 8 dwelling units/acre).
8. The subject site was annexed to the City with the adoption of Ordinance 1800 enacted in October 1959.
9. The subject site is located at 1042 Lynnwood Avenue NE. It is located on the eastside of Lynnwood.
10. The subject site is located immediately north of the Seventh Day Adventist Church. The applicant church leases the Adventist Church.
11. The existing home is a one-story, approximately 1,480 square foot building on an approximately 8,181 square foot lot. The home has an attached carport and three additional parking stalls established in the front yard.
12. The church has been using the existing single family home as an office since 2004. No permits were granted for this change of use. Apparently, no exterior modifications or other changes to the home have occurred. The church realized that it needed appropriate permits to continue using the home as an office and applied for a Conditional Use Permit.
13. The applicant proposes no exterior changes and proposes to continue its current use of the home for office purposes.
14. The south side yard is legally non-conforming. It is 3'7" whereas 5' is required.
15. The subject site has no unusual topographic features.
16. The applicant proposes converting the home to an office to serve its staff. The conversion to a church office would not change the physical size or bulk of the building. There would be no change in the setbacks.
17. The carport and front yard parking are accessed from Lynnwood Avenue. The main church's parking lot is located to the rear or east of this building. It could provide access although at the current time there is no driveway connection between the parcels.
18. Staff noted that the proposed office use has been occurring for the past four to five years and there have been no complaints or issues raised by neighbors.
19. Staff noted that the Fire Department has not provided any recommendations regarding changes in fire

safety due to this conversion.

CONCLUSIONS:

1. The applicant for a Conditional Use Permit must demonstrate that the use is in the public interest, will not impair the health, safety or welfare of the general public and is in compliance with the criteria found in Section 4-31-36 (C) which provides in part that:
 - a. The proposal generally conforms with the Comprehensive Plan;
 - b. There is a general community need for the proposed use at the proposed location;
 - c. There will be no undue impacts on adjacent property;
 - d. The proposed use is compatible in scale with the adjacent residential uses, if any;
 - e. Parking, unless otherwise permitted, will not occur in the required yards;
 - f. Traffic and pedestrian circulation will be safe and adequate for the proposed project;
 - g. Noise, light and glare will not cause an adverse affect on neighboring property;
 - h. Landscaping shall be sufficient to buffer the use from rights-of-way and neighboring property where appropriate; and
 - i. Adequate public services are available to serve the proposal.

The requested conditional use appears justified.

2. Obviously permitting the conversion of the existing single family to a church office will have little practical impact on the property or immediate neighborhood since the home has been used as the office for about five years. While this turns out to be a good way to test how well a use might fit with the neighborhood, it is not the preferred way of introducing changes that should undergo permit review.
3. The Comprehensive Plan suggests that churches are generally allowed in most areas of the City. Although that plan suggests they be located at the periphery of residential neighborhoods and be located along arterial streets those limitations are not mandated by code. Those criteria are guidelines. The office use is low-key although having four parking stalls at the front or side of a small building, actually, a single family home might be visually intrusive.
4. This office has determined that ascertaining community need for a church serving any particular religious denomination is an inappropriate criterion.
5. Any impacts of this use have probably been ironed out over the last four or five years, although, again, this office believes that the parking of three vehicles in the front yard along with the carport stall might be more intense than the normal complement of parking for a single family home. This office believes that a majority of this parking could be provided at the rear of the parcel with access via the larger church parking lot to the rear.
6. The single family home is modestly sized and is not intrusive. The fact that there will be no exterior

changes limits any additional impacts.

7. The appropriate yards will be provided or maintained.
8. Traffic circulation appears safe and adequate, although, again, the parking could be moved to the rear making the use more single-family in appearance.
9. The office use will not create any of the impacts associated with establishing a church in a single family neighborhood. The church is already there on a separate lot and already established. This is only an adjunct office conversion. There should be no additional noise generated by the office.
10. Additional landscaping can be installed if the parking in the front is reduced.
11. In conclusion, the establishment of a church office on this property will not introduce any material changes to the community. The use is well-established and has not resulted in untoward impacts.

DECISION:

The Conditional Use Permit is approved subject to the following conditions:

1. The applicant shall reduce the number of parking stalls in the front yard of this proposal and either provide them on the adjacent church parking lot or provide access to the rear yard via a driveway from the existing church parking lot.

ORDERED THIS 7th day of January 2010.

FRED J. KAUFMAN
HEARING EXAMINER

TRANSMITTED THIS 7th day of January 2010 to the parties of record:

Gerald Wasser
Associate Planner
City of Renton

Cecil Y. & Sue J. Chen
1042 Lynnwood Ave. NE
Renton, WA 98056

Kayren Kittrick
Community & Economic Dev
City of Renton

TRANSMITTED THIS 7th day of January 2010 to the following:

Mayor Denis Law
Jay Covington, Chief Administrative Officer
Julia Medzegian, Council Liaison
Marty Wine, Assistant CAO
Gregg Zimmerman, PBPW Administrator
Alex Pietsch, Economic Development
Jennifer Henning, Development Services
Stacy Tucker, Development Services

Dave Pargas, Fire
Larry Meckling, Building Official
Planning Commission
Transportation Division
Utilities Division
Neil Watts, Development Services
Janet Conklin, Development Services
Renton Reporter

Pursuant to Title IV, Chapter 8, Section 100 of the City's Code, **request for reconsideration must be filed in writing on or before 5:00 p.m., January 21, 2010.** Any aggrieved person feeling that the decision of the

Examiner is ambiguous or based on erroneous procedure, errors of law or fact, error in judgment, or the discovery of new evidence which could not be reasonably available at the prior hearing may make a written request for a review by the Examiner within fourteen (14) days from the date of the Examiner's decision. This request shall set forth the specific ambiguities or errors discovered by such appellant, and the Examiner may, after review of the record, take further action as he deems proper.

An appeal to the City Council is governed by Title IV, Chapter 8, Section 110, which requires that such appeal be filed with the City Clerk, accompanying a filing fee of \$250.00 and meeting other specified requirements. Copies of this ordinance are available for inspection or purchase in the Finance Department, first floor of City Hall. **An appeal must be filed in writing on or before 5:00 p.m., January 21, 2010.**

If the Examiner's Recommendation or Decision contains the requirement for Restrictive Covenants, the executed Covenants will be required prior to approval by City Council or final processing of the file. You may contact this office for information on formatting covenants.

The Appearance of Fairness Doctrine provides that no ex parte (private one-on-one) communications may occur concerning pending land use decisions. This means that parties to a land use decision may not communicate in private with any decision-maker concerning the proposal. Decision-makers in the land use process include both the Hearing Examiner and members of the City Council.

All communications concerning the proposal must be made in public. This public communication permits all interested parties to know the contents of the communication and would allow them to openly rebut the evidence. Any violation of this doctrine would result in the invalidation of the request by the Court.

The Doctrine applies not only to the initial public hearing but to all Requests for Reconsideration as well as Appeals to the City Council.